

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION

Nathaniel Alston,)	Civil Action No.: 5:14-cv-02911-RBH
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Carolyn W. Colvin, Acting)	
Commissioner of the Social)	
Security Administration,)	
)	
Defendant.)	
)	

Plaintiff Nathaniel Alston seeks judicial review of a final decision of the Commissioner of the Social Security Administration denying his claims for disability insurance benefits and supplemental security income. The matter is before the Court for review of the Report and Recommendation (R & R) of United States Magistrate Judge Kaymani D. West, made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02(B)(2) for the District of South Carolina. *See* R & R, ECF No. 25. The Magistrate Judge recommends the Court reverse the Commissioner's decision and remand for further administrative proceedings based on the administrative law judge's (1) failure to afford proper weight to the opinion of Dr. Carol W. Burnette; and (2) failure to resolve the conflicts in the vocational expert's testimony. R & R at 1, 22-27.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The Court must conduct a de novo review of those portions of the R & R to which specific objections are made, and it may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

Neither party has filed objections to the R & R.¹ In the absence of objections to the R & R, the Court is not required to give any explanation for adopting the Magistrate Judge's recommendations. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not conduct de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation'" (quoting Fed. R. Civ. P. 72 advisory committee's note)).

After a thorough review of the record in this case, the Court finds no clear error. Accordingly, the Court adopts and incorporates by reference the R & R [ECF No. 25] of the Magistrate Judge. **IT IS THEREFORE ORDERED** that the Commissioner's decision is **REVERSED** and that this case is **REMANDED** to the Commissioner for further administrative action.

IT IS SO ORDERED.

Florence, South Carolina
August 10, 2015

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge

¹ The Commissioner filed a notice specifying she would not file objections to the R & R. *See* ECF No. 27.